

1 BEFORE THE PUBLIC SERVICE COMMISSION
2 OF THE STATE OF MISSOURI
3
4 CLEVELAND HARDY,)
)
5 Complainant,)
)
6 vs.)Case No. GC-2004-0023
)
7 MISSOURI GAS ENERGY,)
)
8 Respondent.)

9
10 PREHEARING CONFERENCE
11 TRANSCRIPT OF PROCEEDINGS
12 VOLUME I

13
14
15 KEVIN THOMPSON, Presiding
16 Deputy Chief Regulatory Law Judge

17
18 Thursday, October 16, 2003
 10:00 a.m.
19 Public Service Commission
 200 Madison Street
20 Jefferson City, MO

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22 REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR
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Phonetic spelling: (ph.)
Exactly as Stated: (sic)

1 TRANSCRIPT OF PROCEEDINGS

2 JUDGE THOMPSON: Good morning. My
3 name is Kevin Thompson. I'm the regulatory
4 law judge assigned to preside over this
5 matter, which is the case of Cleveland Hardy,
6 Complainant, versus Missouri Gas Energy,
7 Respondent, Case No. GC-2004-0023.

8 At this time, we'll take oral entries of
9 appearances of the parties. Normally, I'd
10 have you go first since you're the
11 complainant, but I'll let these guys go first
12 so you can see what they do, and then you'll
13 know what you need to do.

14 Mr. Franson, let's start with you.

15 MR. FRANSON: Robert Franson, P.O.
16 Box 360, Jefferson City, Missouri, 65102,
17 attorney representing the Staff of the Public
18 Service Commission.

19 JUDGE THOMPSON: Thank you. Mr.
20 Cooper?

21 MR. COOPER: Dean L. Cooper from the
22 law firm of Brydon, Swearngen & England, PC,
23 P.O. Box 456, Jefferson City, Missouri, 65102,
24 appearing on behalf of Missouri Gas Energy, a
25 division of Southern Union Company.

1 JUDGE THOMPSON: Thank you, Mr.
2 Cooper. Mr. Hardy?
3 MR. HARDY: Cleveland Hardy, P.O.
4 Box 270768.
5 JUDGE THOMPSON: Very good. Now
6 you're unrepresented today; is that correct?
7 You do not have an attorney?
8 MR. HARDY: No, I do not have an
9 attorney.
10 JUDGE THOMPSON: Okay. This is what
11 we call a prehearing conference. And the
12 purpose of the prehearing conference is to
13 bring the parties together physically really
14 for two purposes. The first purpose is so
15 that the parties can confer on putting
16 together a schedule for the rest of the case.
17 Okay? And we find that it's easiest for
18 everyone to do that if they're in the same
19 room together and you can talk about dates
20 that are suitable or available or not
21 available.
22 The other purpose that we bring the
23 parties together, which is equally important,
24 perhaps more important, is the chance for the
25 parties to discuss settlement. I don't know

1 if you've had an opportunity before this to
2 talk to the company's representative to see if
3 you can work the case out so that further
4 litigation will not be necessary. Okay?

5 MR. HARDY: Okay.

6 JUDGE THOMPSON: So that's the other
7 reason we bring you together. Now, in this
8 particular case, there has been a staff
9 investigation and report ordered, and that has
10 been filed. Do you have a copy of that?

11 MR. HARDY: I have a copy of the
12 most recent -- are you talking about --

13 JUDGE THOMPSON: Yeah. I think it's
14 that thing you just lifted up. It was filed,
15 I believe, yesterday.

16 MR. HARDY: Okay. Yes, I do have a
17 copy of it.

18 JUDGE THOMPSON: Or the day before.
19 Have you had a chance to look it over?

20 MR. HARDY: Briefly. I just skimmed
21 over it.

22 JUDGE THOMPSON: Okay. Okay. The
23 reason I mentioned that is the staff
24 investigation suggests that the bill relating
25 to Ms. Young has been removed from your bill

1 and that there are no charges remaining on
2 your bill that relate to Ms. Young; is that
3 correct?

4 MR. FRANSON: That is correct, your
5 Honor.

6 JUDGE THOMPSON: And that the amount
7 of approximately \$1,015.09 that remains on
8 your bill is, in fact, the unpaid balance due
9 for service at the premises between September
10 of 2000 and May 2001. Is that correct,
11 Mr. Franson?

12 MR. FRANSON: Yes, your Honor, that
13 is correct.

14 JUDGE THOMPSON: This is what staff
15 has determined by investigating the records
16 that the company has and the records that the
17 company used to generate the bills that they
18 sent to you. Okay?

19 MR. HARDY: Okay.

20 JUDGE THOMPSON: So staff's position
21 is that you owe a thousand dollars, \$1,015.09.
22 Now, that doesn't mean that that's the end of
23 the case. But you understand, as the
24 plaintiff, it's your responsibility to show
25 that you owe a different amount if that's what

1 you believe. Okay?

2 MR. HARDY: Okay.

3 JUDGE THOMPSON: So does anybody

4 have anything to bring to my attention at this

5 time?

6 MR. FRANSON: I do briefly, your

7 Honor. I needed to mention something on

8 behalf of Mr. Doug Micheel, senior counsel

9 with the Office of Public Counsel. He had

10 informed me and asked me to inform you that

11 due to other pressing matters, he would be

12 unable to be here.

13 JUDGE THOMPSON: Very well. Thank

14 you. That's duly noted.

15 MR. FRANSON: And, Judge, there is

16 one other thing. Are you going to be

17 available in case we need to bring a matter to

18 your attention? I anticipate that might be a

19 possibility.

20 JUDGE THOMPSON: Well, I'm going to

21 be in the -- in the Scott Hempling Electrical

22 seminar, which I ran out of to come down to do

23 this, and I'm running back to as soon as we're

24 done here. There's another prehearing

25 conference this afternoon at 1:30 or 2. But

1 other than that --

2 MR. FRANSON: Okay. But right after

3 this, you would be available if we needed you

4 to talk to you?

5 JUDGE THOMPSON: I will be in the

6 building. Yes, you can get me.

7 MR. FRANSON: Thank you, Judge.

8 JUDGE THOMPSON:: So if there's

9 nothing else at this point, then, what we do,

10 Mr. Hardy, is we finish the recorded portion,

11 meaning the court reporter shuts down and

12 leaves and I leave. The room is then

13 available for you and these attorneys here to

14 discuss the prehearing -- the schedule that I

15 mentioned and also to talk settlement. Okay?

16 MR. HARDY: Okay.

17 JUDGE THOMPSON: And I will now

18 leave the parties to that unless someone has

19 anything else.

20 MR. COOPER: The only thing I might

21 ask you to mention --

22 JUDGE THOMPSON: Mr. Cooper?

23 MR. COOPER: -- Judge, is just while

24 we're on the record and while you're still

25 here, the items that we would be talking about

1 in terms of a schedule would be the filing of
2 probably direct testimony and at least
3 rebuttal testimony?

4 JUDGE THOMPSON: Right.

5 MR. COOPER: And a hearing date?

6 JUDGE THOMPSON: Right.

7 MR. COOPER: A date to have the list
8 of issues and positions of the parties,
9 correct?

10 JUDGE THOMPSON: That is correct.

11 MR. COOPER: Okay.

12 MR. HARDY: I do have one thing to
13 say.

14 JUDGE THOMPSON: Yes, sir.

15 MR. HARDY: You're stating
16 specifically to discuss settlement?

17 JUDGE THOMPSON: Sometimes it's
18 possible to work -- in other words, there's
19 different possibilities here. And I don't
20 know what they are. But just for purposes of
21 example, right, you might look at this and
22 say, Well, I guess I owe that money, here you
23 are. That would be the end of the case. Or
24 Mr. Cooper might say, Well, we can cut you a
25 deal, we'll satisfy this bill for "X" percent.

1 That would be a settlement. Okay? Those are
2 examples. I don't know if any of those things
3 are possible, just to illustrate the sort of
4 discussions I mean in terms of settlement.
5 Okay?

6 MR. HARDY: Okay. I understand
7 that.

8 JUDGE THOMPSON: Okay. In terms of
9 the procedures that we follow -- and
10 Mr. Cooper gave a list of the kind of
11 procedural items. What we generally do is we
12 set out a calendar. We'll -- we'll pick a
13 hearing date. Okay? Let's say three months
14 away, four months away, maybe further because
15 our calendar is pretty full. We'll probably
16 set this case for a one-day hearing because I
17 can't imagine that you would need more. All
18 right?

19 Now, prior to the hearing, there would be
20 a date for the filing of what we call prefiled
21 direct testimony. Unlike a court case, which
22 you may or may not be familiar with where, you
23 know, you go in and take the oath and you
24 testify verbally, here, your testimony is
25 given on paper. Okay?

1 MR. HARDY: Okay.

2 JUDGE THOMPSON: So it's in written
3 form and it's given to the other parties in
4 advance so they can see what it is. They also
5 have to give their testimony in written form,
6 and they have to give a copy of it to you in
7 advance. Do you understand?

8 MR. HARDY: I understand.

9 JUDGE THOMPSON: It's helpful. That
10 way everybody knows what they're going to hear
11 when they get here in advance, right? So you
12 know what they're going to say and what you
13 need to deal with. Okay? And so dates would
14 be set for the filing of that testimony. The
15 list of issues, we probably can do without a
16 list of issues in this case really because
17 there's only one issue, what is the
18 appropriate bill of Mr. Hardy's account for
19 the time period in question. Right?

20 MR. COOPER: (Mr. Cooper nods head.)

21 JUDGE THOMPSON: That's really the
22 issue, isn't it?

23 MR. HARDY: That's part of the
24 issue.

25 JUDGE THOMPSON: What do you feel is

1 the other part?

2 MR. HARDY: The other part of the

3 issue is why would you transfer another

4 individual's account onto the primary account

5 holder without the primary account holder's

6 verbal or written consent to do so?

7 JUDGE THOMPSON: That, I don't know.

8 But you'd like an answer to that question?

9 MR. HARDY: Yes, I would.

10 JUDGE THOMPSON: Well, perhaps you

11 might be able to get an answer to that today

12 when we go off the record here. My guess is

13 is that their tariff probably permits it. But

14 I don't know. I'm guessing. Okay? But,

15 Mr. Cooper, perhaps you can satisfy his

16 curiosity on that point?

17 MR. COOPER: Yes, your Honor.

18 JUDGE THOMPSON: Thank you.

19 Anything further? Okay. We will conclude the

20 recorded portion of the prehearing conference

21 at this time and adjourn, finish the record.

22 The room, as I say, is available at least

23 until lunch time.

24 If you should need me, Mr. Franson, I

25 will be up in the seminar in the ballroom.

1 Thank you, Mr. Hardy.

2 MR. HARDY: You're welcome.

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